

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ROBERTS,)	Case No.: 1:20-cv-00592-NONE-SAB (PC)
)	
Plaintiff,)	
)	<u>ORDER ADOPTING FINDINGS AND</u>
v.)	<u>RECOMMENDATIONS, AND DISMISSING</u>
)	<u>ACTION AS BARRED BY RES JUDICATA</u>
STEPHEN HENDERSON, <i>et al.</i> ,)	
)	(Doc. No. 31)
Defendants.)	
)	

Plaintiff David Roberts is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 7, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed as barred by *res judicata*. (Doc. No. 31.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 6.) To date, no objections to the pending findings and recommendations have been filed with the court, and the time for doing so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of this case. As explained by the assigned magistrate judge, plaintiff is challenging the same actions by the same defendants that allegedly resulted in the same harm that he previously complained of and sought relief for in an earlier civil action that he brought and which was dismissed with prejudice due to plaintiff's failure to state a cognizable claim. (*See* Doc. No. 31 at 3–5.) Having

1 carefully reviewed the entire file, the court concludes that the findings and recommendations are
2 supported by the record and proper analysis.

3 Accordingly,

- 4 1. The findings and recommendations issued on December 7, 2020 (Doc. No. 31) are
5 adopted in full;
- 6 2. This action is dismissed as barred by *res judicata*; and
- 7 3. The Clerk of the Court shall enter judgment and close the case.

8
9 IT IS SO ORDERED.

10 Dated: February 18, 2021

11 
UNITED STATES DISTRICT JUDGE